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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,826	01/10/2000	Charles S. Taylor	GUID-006CON5	4782
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1900 UNIVER	SITY AVENUE	DAWSON, GLENN K		
SUITE 200 EAST PALO A	LTO, CA 94303		ART UNIT	PAPER NUMBER
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SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MO	NTHS	03/26/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

1)⊠ Responsive to communication(s) filed on 18 December 2006. 2a)☐ This action is FINAL. 2b)⊠ This action is non-final. 3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)☒ Claim(s) 1-16.19-23 and 26 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5)☐ Claim(s) is/are allowed. 6)☒ Claim(s) is/are objected to. 8)☐ Claim(s) is/are objected to. 8)☐ Claim(s) is/are objected to. 9)☐ The specification is objected to by the Examiner. 10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)☐ All b)☐ Some * c)☐ None of: 1☐ Certified copies of the priority documents have been received. Altachment(s) 1)☒ Notice of Drafsperson's Patent Drawing Review (PTO-948) 3)☐ Information Disclosure Statement(s) (PTO-982) 5)☐ Notice of Drafsperson's Patent Drawing Review (PTO-948)			Application No.	Applicant(s)			
Claim K, Dawson 3731	Office Action Summary		09/480,826	TAYLOR ET AL.			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of the many be evaluated under the provision of 37 CFR 1.18(i), in no event, however, may a regly be timely field If NO period for regly is specified above, the maximum stability repriet will apply and will expire SIX (8) MONTHS from the maling date of this communication. Failure for regly is specified above, the maximum stability repriet will apply and will expire SIX (8) MONTHS from the maling date of this communication, even if timely field, may reduce any statute present them alloquement. Size 37 CFR 1.14(i) Responsive to communication(s) filled on 18 December 2006. 2a □ This action is FINAL. 2b) This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) □ Is 19-23 and 26 is/are pending in the application. 4a) Of the above claim(s) □ is/are allowed. 6) ☑ Claim(s) □ Is/are allowed. 6) ☑ Claim(s) □ Is/are allowed. 7) □ Claim(s) □ Is/are allowed. 8) □ The specification is objected to. 8) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on □ Is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The dark order drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The drawing order of the priority documents hav			Examiner	Art Unit			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - after SIX (6) MONTHS from the mailing date of this communication. - if NO period for reply is specified above, the maximus statutory period value pays and value again stx (6) MONTHS from the mailing date of this communication. - Failure to reply within the set of extended period for reply vall, by statution provided uppy and value again stx (6) MONTHS from the mailing date of this communication. - Failure to reply vallen the set of extended period for reply vall, by statution provided uppy and value again stx (6) MONTHS from the mailing date of this communication, even if small field and reply vallen the set of extended period for reply vallen the set of extended period for reply vallen to set of the communication, even if small field and reply vallen the set of extended patent term adjustment. Set 37 GFR 1.704(b). Status 1) ⊠ Responsive to communication(s) filed on 18 December 2006. 2a) □ This action is FINAL. 2b) ⊠ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) 1-16.19-23 and 26 is/are pending in the application. 4) □ Other above claim(s) is/are allowed. (5) □ Claim(s) is/are allowed. (6) □ Claim(s) is/are allowed. (7) □ Claim(s) is/are allowed. (8) □ Claim(s) is/are objected to by the Examiner. 10) □ The gracification is objected to by the Examiner. Application Papers 9) □ The specification is objected to by the Examiner. Application Papers 9) □ The specification is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 3) □ Claim(s) □ Some * c) □ None of: 11 □ Ce							
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Art Unit: 3731

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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Art Unit: 3731

Claims 4 and 13 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 7,10 and/or 19 of U.S. Patent No. 6602189. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the application are merely broader in scope than those of the patent, or include alternative language for the same structure.

Claims 1-16,19-23 and 26 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 11,29 and 85 of U.S. Patent No. 5944736. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the application are merely broader in scope than those of the patent, or include alternative language for the same structure.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn K. Dawson whose telephone number is 571-272-4694. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T. Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3731

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Glerin K Dawson Primary Examiner Art Unit 3731

Gkd 15 March 2007